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HOUSE BILL 2601
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1, relative to certain practices by telecommunications service providers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding Section 2 as a new Section 47-18-122.

SECTION 2.

(a) The Tennessee Regulatory Authority may adopt rules prescribing procedures for the verification of a change in a subscriber's selection of a telecommunications service provider for the provision of telecommunication services, whether local exchange or interexchange. The rules shall be compatible with the verification procedures established by the Federal Communications Commission under the federal Communications Act of 1996, 47 USC 153 et seq. and subpart K of 47 CFR 64.

(b)

(1) A telecommunications service provider, as defined by §65-4-101(c), including but not limited to a competing telecommunications service provider, as defined in §65-4-101(e), shall not submit or execute a change in a subscriber's selection of a provider of local exchange telecommunications service or interexchange telecommunications service except in accordance with:

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(A) The verification procedures adopted by the Federal Communications Commission under the federal Communications Act of 1996, 47 USC 153 et seq., including subpart K of 47 CFR 64, as those procedures are from time to time amended; and

(B) Any rules adopted by the Tennessee Regulatory Authority under Chapter 408 of the Public Acts of 1995, as those rules are from time to time amended.

(2)

(A) A telecommunications service provider that violates this section commits a violation of this part.

(B) Any violation of this section shall be construed to constitute an unfair or deceptive act or practice affecting the conduct of any trade or commerce and subject to the penalties and remedies in this part, including restitution in accordance with subsection (a)(2)(C).

(C) A consumer whose telecommunications service is switched in violation of subsection (a)(2) is entitled to full restitution of all charges, fees, or assessments paid to the telecommunications service provider that committed the violation.

SECTION 3. This act shall take effect July 1, 1998, the public welfare requiring it.